

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

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69cv07941 JEC-ACE PTA/HF

RIO CHAMA STREAM SYSTEM
Rio Gallina, Section 5

Subfile No.: CHGA-04-0001A

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

**JULIAN VIGIL
MARY VIGIL
ROBERT M VIGIL**

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Gallina, Section 5, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.

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[Handwritten signature]
OFFICE OF THE STATE ENGINEER
LEGAL SERVICES DIVISION

3. There is no just reason for delay for the entry of a final judgment as to the element of the claims of the Defendant(s) adjudicated by this order.
4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Gallina, Section 5, are set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface water of the Rio Gallina, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: Vigiles Ditch

Location X: 1,461,348 feet **Y:** 1,903,006 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location and Amount of Irrigated Acreage:

Section 5, Township 23N, Range 01E, N.M.P.M.

Pt. SE $\frac{1}{4}$	0.3 acres
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Section 8, Township 23N, Range 01E, N.M.P.M.

Pt. NE $\frac{1}{4}$	31.8 acres
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Pt. NW $\frac{1}{4}$	2.4 acres
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Pt. SE $\frac{1}{4}$	3.1 acres
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Total	37.6 acres
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As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-04-0001A.

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

B. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: NONE

Source of Water: Surface water of the Rio Gallina, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch Name: Vigiles Ditch

Location X: 1,461,348 feet **Y:** 1,903,006 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location and Amount of Irrigated Acreage:

Section 8, Township 23N, Range 01E, N.M.P.M.

Pt. SE ^{1/4}	0.5 acres
Total	0.5 acres

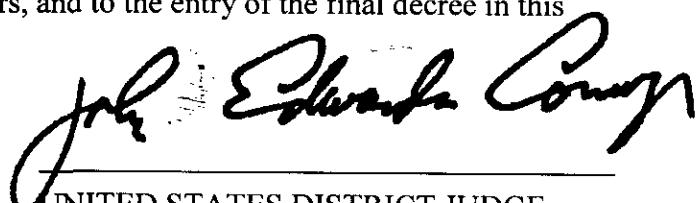
As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-04-0001A.

Amount of Water: NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Gallina, Section 5, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Gallina, Section 5, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



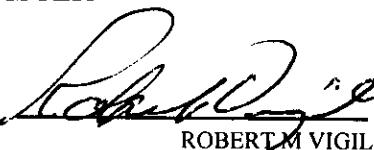
UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER

ACCEPTED:


ROBERT M VIGIL

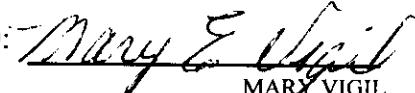
ADDRESS:

P.O. Box 108
Gallina, NM
87017

DATE:

7/24/01

ACCEPTED:


MARY VIGIL

ADDRESS:

P.O. Box 13
Gallina, NM
87017

DATE:

7-24-01

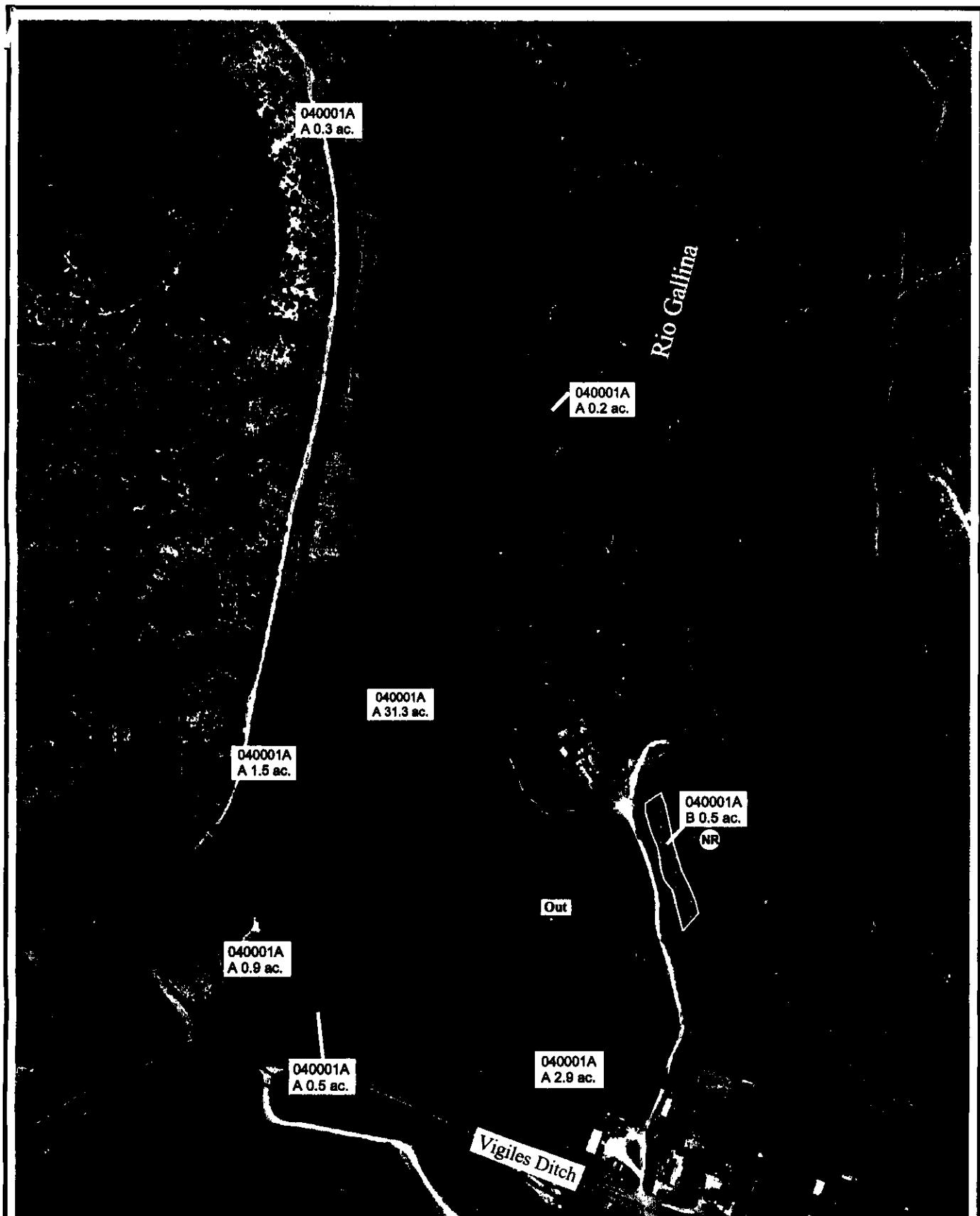
ACCEPTED: Julian Vigil
JULIAN VIGIL

ADDRESS: P.O. Box 122
Albuquerque
N.M.

DATE: 7-24-01

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

7-25-01
Date



Legend

- Irrigated Tract Boundary
- No Right Tract Boundary
- Operable Ditch
- Inoperable Ditch
- Stock Pond / Reservoir
- Point of Diversion

Scale
1 inch = 400 feet

200 0 200 400 Feet



STATE OF NEW MEXICO
Office of the State Engineer
Thomas C. Turney, State Engineer
Rio Chama Hydrographic Survey
RIO GALLINA SECTION

Subfile Number
CHGA-040001A
Vigiles Ditch
AMENDED July 17, 2001

